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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,520	12/29/2000	Bradley J. Quinn	1840	8825
30408	7590	01/11/2008		
GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DR. MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER TRAN, MYLINH T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,520

Applicant(s)

QUINN, BRADLEY J.

Examiner

Mylinh Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-22, 27-32 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-22, 27-32 and 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/07 has been entered.

Claims 1, 5, 9, 12-13, 19, 27, 30-31 and 34-43. Claims 16, 23-26 and 33 have been canceled. However, the limitations of the amended claims have not been found to be patentable over prior art of record; Therefore, the claims (1-15, 17-22, 27-32 and 34-43 are rejected under the same ground of rejection as set forth in the Office Action mailed 04/06/07.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 17-22, 27-32 and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman [US. 6,288,716].

As per independent claim 1, Humpleman teaches a method of configuring a user interface, comprising:

receiving, from a remote device ,through a network to the information appliance, user interface data describing one user interface function on the remote device, wherein at least some of the one user interface function may be added to the information appliance from the remote device (column 2, lines 57-67);

assigning the at least one representation of the information appliance respectively to the at least one user interface function of the remote device described in the user interface data (column 6, line 54 through column 7, line 2);

programming the assigned at least one representation of the information appliance to respectively control the one user interface function of the remote device (column 9, lines 21-29 and lines 59-63);

configuring the user information appliance to add a display of one representation based on the user interface data, each representation corresponding to one of the at least one user interface function on the remote device and capable of interaction by a user therewith (col. 7, lines 7-20 and col. 7, lines 48-58);

wherein the user interface data describing the at least one user interface function does not comprise a whole of the user interface of the remote device to thereby minimize resources of the information appliance utilized in configuring the information appliance to display the at least one representation

(Humpleman cites "a first home device that is capable of displaying user interface data is connected to the home network. A second home device that stores user interface data which defines a user interface for commanding and controlling the second home device, is also connected to the home network. The first home device receives the user interface data from the second home device over the home network. The first home device then displays the user interface as defined by the user interface data. User input is then accepted from a user in response to the user interacting with the user interface displayed on the first home device. Based on the user's input, control and command information is sent from the first home device to the second home device in order to control the second home device." (column 2, lines 46-60)).

Humpleman fails to clearly teach the step of comparing the user interface data with a user interface template of the information appliance, the user interface template including one or more representations.

However, it would have been well known in the computer art because each of appliance devices has its own user interface template; The "first capabilities data for the first home device" is considered as a user interface template of this device. Besides, Humpleman et al. teach "reading first capabilities data for the first home device, where the first capabilities data includes information in a structured format for identifying the capabilities of the first home device and reading second capabilities data for a second home device connected to the

network...and then comparing the first and second capabilities data of the first and second home devices...".

It would have been obvious to an artisan at the time of the invention to combine the well known implementation of generating a suitable user interface representation by comparing components' ids to the template, locate components designated to a remote device in Humpleman's system since it would have helped to speed up the process of loading user interface representation.

As per claim 2, which is dependent on claim 1, Humpleman teaches: accepting input corresponding to the interaction by the user with a selected one of the representations; and communicating the input to the remote device through the network such that the user is able to utilize the user interface function on the remote device corresponding to the selected representation (col. 7, lines 41-47).

As per claim 3, which is dependent on claim 2, it is inherent in Humpleman's system to translate the input into utilization by the user of the user interface function on the remote device corresponding to the selected representation.

As per claim 4, which is dependent on claim 1, Humpleman teaches the user interface functions on the remote device include selecting output and changing output (fig. 11).

As per claim 5, which is dependent on claim 1, Humpleman teaches: monitoring the interaction of the user with the display of the at least representations (user selects on 712 buttons of fig. 11); and storing data representative of the monitored interaction (it is inherent in Humpleman's system that the visited web pages will be stored in the temporary memory), the monitored interaction data capable of being used to configure the display of the representation (it is inherent in Humpleman's system that the visited web pages in the temporary catch memory will be used to configure the display of the representation).

As per claims 6 and 7, which are both dependent on claim 5, Humpleman does not disclose the monitored interaction data includes an amount of time and a number of times spent by the user interacting with a selected one of the representations, and further wherein the display of the representations is configured to include the selected representation is greater than a threshold amount of time and number of times. However, it would have been well known in the computer art in which the monitored interaction data including an amount of time and a number of time spent by the user interacting because Humpleman

teaches "using the interface, applications running on a home network device can have access to the sensor and detector devices around the home for monitoring and controlling of the those devices (column 22, lines 55-57)". In order to monitor these devices, user needs an amount of time to accomplish this task.

It would have been obvious to an artisan at the time of the invention to combine the well known implementation with the Humpleman's system since it would control the display content in response to the past behavior of a viewer.

As per claim 8, which is dependent on claim 1, Humpleman teaches: identifying a resource on the remote device with which the user interacts; and loading a user interface corresponding to the identified resource (fig. 11).

As per independent claim 9, it is rejected under the same rationale as claim 1.

As per claim 10, which is dependent on claim 9, it is rejected under the same rationale as claim 2.

As per claim 11, which is dependent on claim 10, it is rejected under the same rationale as claim 3.

As per claim 12, which is dependent on claim 9, it is rejected under the same rationale as claim 5.

As per independent claim 13, it is a similar scope to claim 1; therefore, it should be rejected under similar scope.

As per claim 14, which is dependent on claim 13, it is a similar scope to claim 2; therefore, it should be rejected under similar scope.

As per claim 15, which is dependent on claim 14, it is a similar scope to claim 3; therefore, it should be rejected under similar scope.

As per claim 17, Humpleman teaches the resource is a web page (col. 7, lines 48-51).

As per claim 18, Humpleman teaches the evaluated interaction includes selecting an icon (col. 7, line 44).

As per independent claim 19, Humpleman teaches a method of loading a user interface, comprising: accessing a resource on a remote device through a network (col. 7, lines 7-9);

evaluating interaction of a user with the resource; identifying the resource based on the evaluated interaction; and loading a user interface corresponding to the identified resource (col. 7, lines 41-46);

receiving, through the network to the information appliance, user interface data describing one user interface function on the remote device, wherein at least some of the one user interface function may be added to the information appliance from the remote device (col. 7, lines 6-7 and col. 7, lines 48-58);

assigning the at least one representation of the information appliance respectively to the at least one user interface function of the remote device (column 6, line 54 through column 7, line 2);

programming the assigned at least one representation of the information appliance to respectively control the at least one user interface function of the remote device (column 9, lines 21-29 and lines 59-63);

configuring the load user interface based on the user interface data, the loaded interface including the at least one representation, each representation corresponding to one of the at least one user interface function on the remote device and capable of interaction by the user therewith (col. 7, lines 7-20 and col. 7, lines 48-58); wherein the user interface data describing the at least one user interface function does not comprise a whole of the user interface of the remote device to thereby minimize resources of the information appliance utilized in configuring the information appliance to display the at least one representation (Humpleman cites "a first home device that is capable of displaying user interface data is connected to the home network. A second home device that stores user interface data which defines a user interface for commanding and controlling the second home device, is also connected to the home network. The first home device receives the user interface data from the second home device over the home network. The first home device then displays the user interface as defined by the user interface data. User input is then accepted from a user in response to the user interacting with the user interface displayed on the first home device. Based on the user's input, control and command information is sent from the first home device to the second home device in order to control the second home device." (column 2, lines 46-60)).

Humpleman fails to clearly teach the step of comparing the user interface data with a user interface template of the information appliance, the user interface template including one or more representations.

However, it would have been well known in the computer art because each of appliance devices has its own user interface template; The "first capabilities data for the first home device" is considered as a user interface template of this device. Besides, Humpleman et al. teach "reading first capabilities data for the first home device, where the first capabilities data includes information in a structured format for identifying the capabilities of the first home device and reading second capabilities data for a second home device connected to the network...and then comparing the first and second capabilities data of the first and second home devices...".

It would have been obvious to an artisan at the time of the invention to combine the well known implementation of generating a suitable user interface representation by comparing components' ids to the template, locate components designated to a remote device in Humpleman's system since it would have helped to speed up the process of loading user interface representation.

As per claim 20, which is dependent on claim 19, it is rejected under the same rationale as claim 2.

As per claim 21, which is dependent on claim 20, it is rejected under the same rationale as claim 3.

As per claim 22, which is dependent on claim 19, it is rejected under the same rationale as claim 5.

As per independent claim 27, it is rejected under the same rationale as claim 1.

As per claim 28, which is dependent on claim 27, it is rejected under the same rationale as claim 2.

As per claim 29, which is dependent on claim 28, it is rejected under the same rationale as claim 3.

As per claims 30, 31, and 32, which are dependent on claims 1, 9, and 19 respectively, they are rejected under the same rationale as claim 5.

As per claims 34 and 40-43, Humpleman teaches the at least one representation including at least one of a cursor control element, a browser control element, or a window control element (column 4, lines 60-65).

As per claims 35-39, Humpleman teaches said at least some of the at least one user interface function may be added to the information appliance from the remote device to configure the user interface of the information appliance (col. 7; lines 6-7 and col. 7, lines 485 8).

Response to Arguments

Applicant has argued that Humpleman does not teach the limitation of "programming the assigned one or more representations of the information appliance to respectively control the one or more user interface functions of the remote device."

However, the examiner respectfully disagrees with the argument. Applicant's attention is directed to column 2, lines 46-60 cited "a first home device that is capable of displaying user interface data is connected to the home network. A second home device that stores user interface data which defines a user interface for commanding and controlling the second home device, is also connected to the home network. The first home device receives the user interface data from the second home device over the home network. The first home device then displays the user interface as defined by the user interface data. User input is then accepted from a user in response to the user interacting with the user interface displayed on the first home device. Based on the user's input, control and command information is sent from the first home device to the second home device in order to control the second home device."

The first home device is considered as the user interface template including user interface data as representations. Instead of downloading the user interfaces of the remote devices, the information appliance receives data from the remote device describing its user interface functions, compares the user interface data to the template of the information appliance which is the first home device. It is clear that the information appliance uses its own user interface template (which is the first home device) by assigning functions of the remote device (which is the second home device)

Applicant also argues Humpleman does not teach or suggest comparing the user interface data with a user interface template of the information appliance.

However, it would have been well known in the computer art because each of appliance devices has its own user interface template; The step of comparing the user interface data (the second home device) with a user interface template of the information appliance (the first home device) is taught at column 2, lines 46-64.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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